

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

THE PEOPLE OF THE STATE OF NEW YORK

v

**SUPPORTING AFFIDAVIT**

ECDA File No. 97-1542-001

COREY L. EPPS,

Respondent

---

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.  
CITY OF BUFFALO )

PATRICIA I. CARRINGTON, being duly sworn, deposes and  
says:

1. Your deponent is an attorney duly admitted to the  
practice of law in the State of New York.

2. Your deponent is an Assistant District Attorney,  
appearing of counsel to FRANK J. CLARK, District Attorney of Erie  
County, on behalf of the People of the State of New York.

3. Your deponent makes this Supporting Affidavit in  
support of a motion for Order to Show Cause seeking a corporeal  
lineup of the respondent for possible identification by a witness  
in this matter.

4. Unless otherwise stated herein, this affidavit is  
made upon information and belief, the source of which is your  
deponent's investigation of the confidential file of the District  
Attorney's Office, records of all the proceedings heretofore had,

a reading of the moving papers filed herein, and conversations with witnesses hereto.

5. At present, the Buffalo Police Department Homicide Squad is investigating the shooting of Tomika Means on May 26, 1997 at East Delevan and Chelsea Streets in the City of Buffalo.

6. The respondent COREY L. EPPS has been positively identified in a photographic array as the man who shot Tomika Means that evening.

7. On July 9, 1997, MR. EPPS voluntarily gave a statement to the Buffalo Police Department Homicide Unit, denying his involvement in the crime and agreeing to participate in a lineup.

8. That due to the seriousness of the crime alleged and the prejudice that would result to witness identification with the passage of time, it is imperative that the order to show cause be issued so that a proper and speedy resolution to this matter may be effected.


9. That requiring the respondent to appear in a corporeal lineup at Buffalo Police Headquarters is not a testimonial infringement upon the respondent's Fifth Amendment rights based on the cases of U.S. v. Young, 512 F2d 321; Stovall v.

Denno, 388 U.S. 293; U.S. v. Sorrentino, 78 F. Supp. 425, Affm'd 175 F2d 721.

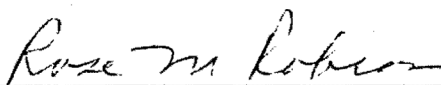
10. The purpose of this application is not only to secure the attendance of the respondent at a pretrial identification lineup, but also to protect the respondent's rights in reference to such an appearance.

11. That no previous application for the relief herein requested has been made.

WHEREFORE, the People respectfully request that an Order be issued pursuant to CPL 240.40-2 (a) (I) requiring the respondent to appear at a lineup.

  
PATRICIA I. CARRINGTON  
ASSISTANT DISTRICT ATTORNEY

Subscribed and Sworn to before me  
this 16<sup>th</sup> day of July, 1997.

  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires on 7/31/98.